

1 Michael H. Steinberg (CSB 134179)  
SULLIVAN & CROMWELL LLP  
2 1888 Century Park East  
Los Angeles, California 90067  
3 Telephone: (310) 712-6600  
Facsimile: (310) 712-8800

4 Christopher R. Edgar (CSB 229771)  
5 SULLIVAN & CROMWELL LLP  
1870 Embarcadero Road  
6 Palo Alto, California 94303  
Telephone: (650) 461-5600  
7 Facsimile: (650) 461-5700

8 *Attorneys for Plaintiffs/Petitioners Warren*  
*E. Spieker, Jr., et al.*

**\*\*E-FILED: 8/28/07\*\***

9  
10 UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
12 SAN JOSE DIVISION

13 JOEL BENOLIEL, GREGG R. DAUGHERTY,  
BRUCE E. HOSFORD, and DONALD S.  
14 JEFFERSON,

Case No. C 07-03001-RMW

15 Plaintiffs/Petitioners,

16 v.

17 BLACKHAWK PARENT LLC, a Delaware limited  
liability company, and EOP OPERATING  
18 LIMITED PARTNERSHIP, a Delaware limited  
partnership,

19 Defendants/Respondents.  
20  
21  
22

**JOINT STIPULATION  
[PROPOSED] ORDER  
CONTINUING HEARING ON  
THE FIRST AMENDED  
PETITION TO COMPEL  
ARBITRATION**

*Prior Hearing Date: August 31,  
2007*

*New Hearing Date: September 28,  
2007*

1 Pursuant to Civil Local Rules 6-1(b), 6-2, 7-7(b) and 7-12 of the Federal District  
2 for the Northern District of California, Plaintiffs/Petitioners Joel Benoliel, Gregg R. Daugherty,  
3 Bruce E. Hosford, and Donald S. Jefferson (collectively, "Petitioners"), by and through their  
4 respective counsel, submit this Joint Stipulation and Proposed Order Changing Time concerning  
5 Petitioners' pending First Amended Petition to Compel Arbitration (the "Amended Petition")  
6 scheduled to be heard August 31, 2007 (the "Hearing").

7 WHEREAS, Petitioners filed the Amended Petition on July 27, 2007;

8 WHEREAS, Respondents filed a Memorandum of Points and Authorities in  
9 Opposition to the Amended Petition (the "Opposition") on August 10, 2007;

10 WHEREAS, Petitioners filed a Reply in Support of the Amended Petition on  
11 August 17, 2007;

12 WHEREAS, the Hearing on the First Amended Petition is set for August 31, 2007  
13 at 9:00 a.m.;

14 WHEREAS, the parties are in discussions directed toward reaching a negotiated  
15 resolution of the Amended Petition;

16 WHEREAS, the parties agree to continue the Hearing until September 28, 2007;  
17 and

18 WHEREAS, the parties agree that this Stipulation does not waive any of the rights  
19 or defenses available to either party, and that each party reserves its rights to assert any and all  
20 rights and defenses in the future and to provide further papers updating the Court and providing  
21 any further developments;

22 NOW THEREFORE THE PARTIES JOINTLY REQUEST THE FOLLOWING:

23 Subject to the Court's approval, pursuant to Civil Local Rules 6-1, 6-2, 7-7(b) and  
24 7-12 of the Federal District Court for the Northern District of California, that the Hearing be  
25 continued to 9 a.m. on Friday, September 28, 2007.

1 Dated: August 28, 2007

SULLIVAN & CROMWELL LLP

2  
3 Michael H. Steinberg/ljp electronically

4 Michael H. Steinberg  
Attorneys for Plaintiffs/Petitioners  
5 JOEL BENOLIEL, et al.

6 Dated: August 28, 2007

SIMPSON THACHER & BARTLETT LLP

7  
8 Harrison J. Frahn/ljp electronically

9 Harrison J. Frahn IV  
Attorneys for Defendants/Respondents  
10 BLACKHAWK PARENT LLC and EOP  
11 OPERATING LIMITED PARTNERSHIP

12  
13 PURSUANT TO STIPULATION, IT IS SO ORDERED.

14  
15 Dated: 8/28/07, 2007

By /s/ Ronald M. Whyte  
The Honorable Ronald M. Whyte  
United States District Judge